

BINGHAM'S REPLY TO LAST SUIT

Streams Have Been Used for
Many Years for Sewage
Purposes.

NECESSARY FOR HEALTH
ESTIMATE OF CHILDREN
ADDITIONAL ROOMS IN TWO OF
THE BUILDINGS.

The old fight between Col. E. A. Wall and the town of Bingham progressed another step yesterday in the filing of an answer by the mining company to the suit of Col. Wall against the use of Bingham canyon and Carr Fork creeks for sewage purposes. Col. Wall's suit, which was filed in the district court, charges that the use of the streams for sewage purposes is a nuisance and that it is abated, as it interferes with the working of his mill and concentrates the same.

In a former suit by Col. Wall against the residents of Bingham, in which he sought \$20,000 damages for the use of the streams for sewage purposes and for dynamiting his dam in Carr Fork, Judge C. W. Newby ruled against the mine owner, and in the answer to the suit now being contested it is claimed by the residents of Bingham that this judgment estops Col. Wall in the present suit.

It is set out by the Bingham residents that they have used the waters of Bingham canyon and Carr Fork creeks for many years for sewage purposes, and that the health of the town, in 1904, both channels have been greatly improved and less refuse now travels down the streams than heretofore.

In addition, it is claimed that Col. Wall knew that the streams were used for this purpose when he erected his mill ten years ago, and that conditions are far improved today over what they were at that time.

They must use the streams for street sprinkling and sewage purposes. They ask the dismissal of Col. Wall's suit and that they be decreed the right to use the streams as in the past.

GIVES DECISION ON WINES.

Board of Food and Drug Inspection
Lays Down Rules.

Washington, Aug. 24.—Upholding its contention that the consumer under the food and drug act, is entitled to know the character of the product he buys, the board of food and drug inspection, of the department of agriculture, today issued a decision, declaring that a beverage cannot be labeled "wine" unless it is made from the normal alcoholic fermentation of juice of sound grape grapes, without addition or abstraction of either prior or subsequent to fermentation.

The term "wine" can only be used for a beverage made from the juice of grapes if the beverage is labeled "imitation." A fermented beverage prepared from grapes, but with the addition of sugar, may be termed "sugar wine," according to the board's decision. The addition of sugar to the grape "must" will also require further characterization than the term "wine." The decision was reached by the board in connection with the labeling of Ohio and Missouri wines.

Floating at Saitair—joy supreme!

World's Greatest Drummer,

Major Friedly, at Saitair all this week.

Plays five drums with two sticks.

Tooele Excursion Sunday.

\$1 round trip for visit to the new smelter town.

**PIONEER ACCUSED OF
MURDERING COMPANION**

Red Bluff, Cal., Aug. 24.—A coroner's jury investigated the death of John McIntosh, who was beaten to death in the jail here last Sunday, early today returned a verdict accusing John Lowrey, another prisoner, of murder. The evidence indicated in the opinion of the jury, that Lowrey killed McIntosh with repeated blows from a shoe and that Lowrey also beat and seriously injured Jerry Desmond, the third prisoner in the cell.

Mrs. Winslow's Soothing Syrup.

has been used for YEARS by MILLIONS of MOTHERS for their CHILDREN while TEETHING with PERFECT SUCCESS. IT SOOTHES THE CHILD, SOFTENS THE GUMS, ALLAYS ALL PAIN, CURES WIND COLIC, and is the best remedy for DIARRHOEA. Sold by Druggists in every part of the world. Be sure and ask for "Mrs. Winslow's Soothing Syrup," and take no other kind. Twenty-five cents a bottle. GUARANTEED UNDER THE FOOD AND DRUG ACT, June 30, 1906. SERIAL NUMBER 1088.

Muddled Brains

result from an overloaded stomach, sluggish liver, inactive bowels, or impure blood. Clear thinking follows the use of

**BEECHAM'S
PILLS**

Sold Everywhere. In boxes 10c. and 25c.

Quaker Maid Rye

Three Gold Medals

A POINT OF ETIQUETTE

When a gentleman says: "What will you have?" It is good form to reply:

Quaker Maid Rye

"The Whiskey with a Reputation"

For sale at all First-Class Bars, Cafes and Drug Stores

S. HIRSCH & CO.

KANSAS CITY, MO.

SCHOOLS TO COULD FINCE SOON

Everything Ready Except the
Work on the Jefferson
Building.

ESTIMATE OF CHILDREN
ADDITIONAL ROOMS IN TWO OF
THE BUILDINGS.

All arrangements for the opening of the city schools on September 6 have been completed by Superintendent D. H. Christensen, and there is now nothing to do but wait for the day to come when the doors of the twenty-four schools will be thrown open for the children of the city.

All of the schools are ready for the fall term with the exception of the Jefferson, on West Temple street, south of Ninth South street. Von der Horst Brothers of San Francisco refused to carry out their original contract, and the building company finally settled with A. & J. McDonald to finish the work. The school will, therefore, not be ready for the opening of the fall term, but will probably be ready by the middle of November.

It is estimated by Superintendent Christensen that there will be 15,000 children in the schools on the first day of school, or at least during the first week.

More Room Now.

Additions of twelve rooms each have been made to the Riverside and Wasatch schools, thus relieving the cramped conditions of a year ago and allowing for a change in the districts. The old principals will remain, but the teaching staff has not yet been announced. Miss Jane Kearney, for years eighth grade teacher at the Wasatch, has quit her work to open a private school.

Teachers of the city schools, numbering about 400, will meet at the Lafayette school, on State street, on September 4 at 10 o'clock, when they will be addressed by Governor William Spry. In the afternoon they will meet to their respective schools for a meeting with their principals.

DESIRE FLEET DETAINED.

Message Is Sent by Congressmen Before Sailing for Honolulu.

San Francisco, Aug. 24.—After partaking of breakfast with members of the Portola festival committee as hosts, the twenty-three congressmen who arrived here Sunday, left for Honolulu today. The visiting representatives expressed themselves as well pleased with the reception and entertainment arranged for their brief stay in the city.

The congressmen united in sending a message to Secretary of the Navy George L. Von Meyer, which, after saying that extensive preparations were being made for the Portola festival, to be held in this city from October 1 to 15, October 23, says: "Under the circumstances, we feel that it would be a gracious act on the part of our government to detain the Pacific fleet here until after the celebration, and we strongly and respectfully urge that this be done." The message was signed by twenty-four members of congress.

**HARRIMAN LINE LOSES
IN AN OREGON CONTEST**

Portland, Aug. 24.—The Oregon Trunk Line railway, which is said to have the financial support of James H. Hill, won its contest with the Harriman subsidiary, in the United States district court today, when Judge Bean overruled a demurrer of the Harriman road.

The court issued an order forbidding the Harriman people going upon the sixty miles of contested right of way along the Deschutes canyon, in central Oregon. The application of the Harriman lawyers asking that the right of way be similarly enjoined pending adjudication, was refused.

**MAY COMPEL SUNDAY
CLOSING ON BEACH**

Atlantic City, Aug. 24.—Atlantic City's Sunday closing controversy was complicated today when representatives of the Law and Order society served a notice on Police Judge Martin F. Keffer, requiring him to show cause at once why he should not accept compliance with the Sabbath regulations, brought by the city fathers and one from the Sabbath observance committee, which is the basis of the permanent ordinance. The notice was served on the first time in years to the beach, absolute closing along the beach front.

**DIVIDENDS DECLARED
ON HARRIMAN STOCKS**

New York, Aug. 24.—Directors of the Union Pacific railroad today declared a regular quarterly dividend of 2 1/2 cents. On the common stock and on the regular semi-annual dividend of 2 cents on the preferred stock.

Directors of the Southern Pacific company declared a regular quarterly dividend of 1 1/2 cents on the common stock.

These meetings were held before E. H. Harriman arrived on the steamer Kaiser Wilhelm II.

**KILLS HIMSELF, FEARING
HE WOULD LOSE MIND**

Los Angeles, Aug. 24.—George E. Hill, a driver, killed himself with a razor today because he feared he would lose his mind. The result of an operation performed on him a few days ago, Hill and his wife came here from Wisconsin three years ago.

**HAWAIIAN PRINCESS
ARRIVES IN COUNTRY**

Victoria, B. C., Aug. 24.—Princess Kawakoa of Hawaii, who will visit the exposition at Seattle, arrived from Honolulu on the Makura today. After a stay in Lower California, she will go to Europe to see the Passion play at Oberammergau.

Notice is hereby given that the state examination for state certificates and diplomas will be held Friday and Saturday, September 3rd and 4th, 1909, in Logan, Salt Lake City, Provo and Mant, beginning at 9 a. m. each day. Subjects will be given in the following order: Friday, physics, algebra, plane geometry, solid geometry, geometry and botany. Saturday, English literature, rhetoric, pedagogy, psychology, history of education, science of education and civics.

A. C. NELSON,
Chairman State Board of Education.

FREE AUTO TRIPS EVERY HOUR

to Laurelhurst ACRES lot addition on Saturday, September 2nd and 4th, 1909. For full information call 209 Herald building. Phone: Bell, 2830; Ind. 157. Bell 2159.

YELLOWSTONE PARK

Special G. A. R. five-day trip, \$25, by the BRYANT WAY, leaving 1257

For full information call 209 Herald building. Phone: Bell, 2830; Ind. 157. Bell 2159.

Removal Shoe Sale

98c **Tomorrow** **50c**
and as long as they last
we place on sale men's
and women's oxfords,
good variety of sizes and
widths, values range from \$3
to \$5 the pair, at—
\$1.15

buys a
clean up of
misses' and
children's
tan
slippers,
values
\$1.50 to
\$2.25

50c **88c** **98c**
A clean up of
of all
barefoot
sandals,
nearly all
sizes, for
children

A dandy wearing shoe
for children, in calf-
skin leather, suitable
for girls.
Sizes 6 to 8, at **88c**
Sizes 9 to 11, at **98c**
Sizes 12 to 2, at **\$1.15**

A clean up
of children's
highest
grade tan
and black
sandals,
values to
\$1.75

Many other items of great interest—these are but sample values
in the great removal shoe sale

Yours
Shoely,
Hirschman's
Shoe
People
106 South Main St.

Sheriff's Sale.

IN THE THIRD JUDICIAL DISTRICT COURT, in and for Salt Lake county, state of Utah, do hereby give notice that the following described real estate, to-wit: The lot 10, block 2, DeLong's first addition, Salt Lake City, Utah, containing 1/4 of an acre, more or less, and the interest therein, owned by J. A. DeLong, and being the same as described in the deed of J. A. DeLong, dated the 10th day of September, A. D. 1908, at 12 o'clock noon, of said day, all said right, title, claim and interest, do hereby offer for sale, to-wit: The lot 10, block 2, DeLong's first addition, Salt Lake City, Utah, containing 1/4 of an acre, more or less, and the interest therein, owned by J. A. DeLong, and being the same as described in the deed of J. A. DeLong, dated the 10th day of September, A. 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